



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

DATE: October 7, 2004
TO: Candidate Committees
FROM: Michigan Department of State, Bureau of Elections
SUBJECT: CAMPAIGN STATEMENT FILING DEADLINES FOR
NOVEMBER 2, 2004 GENERAL ELECTION

CAMPAIGN STATEMENT AND LATE CONTRIBUTION REPORT FILING DEADLINES FOR THE NOVEMBER 2, 2004 GENERAL ELECTION ARE DISCUSSED BELOW.

CAREFULLY READ THIS MEMO TO DETERMINE IF THE DESCRIBED FILINGS ARE REQUIRED OF YOUR COMMITTEE. A COMMITTEE THAT HAS A REPORTING WAIVER IS NOT REQUIRED TO FILE CAMPAIGN STATEMENTS. THE REPORTING WAIVER IS DISCUSSED AT THE END OF THIS MEMO. AS THIS MEMO DISCUSSES BOTH THE PRE-GENERAL AND POST-GENERAL CAMPAIGN STATEMENT FILING REQUIREMENTS, PLEASE RETAIN IT FOR REFERENCE THROUGH DECEMBER 2, 2004, THE POST-GENERAL CAMPAIGN STATEMENT DUE DATE.

ALL COMMITTEES REQUIRED TO FILE WITH THE SECRETARY OF STATE THAT SPEND OR RECEIVE \$20,000.00 OR MORE IN A CALENDAR YEAR OR EXPECT TO SPEND OR RECEIVE \$20,000.00 OR MORE IN A CALENDAR YEAR ARE REQUIRED TO FILE ELECTRONICALLY. COMMITTEES MAY REGISTER FOR THE MERTS PLUS SOFTWARE BY COMPLETING ITEMS 13 AND 14 ON AN ORIGINAL OR AMENDED STATEMENT OF ORGANIZATION FORM. TRAINING (ON-SITE OR ON-LINE) CAN BE ARRANGED BY ACCESSING THE MERTS PLUS WEB PAGE AT WWW.MERTSPLUS.COM.

Pre and Post-General Campaign Statement Due Dates

- **THE PRE-GENERAL CAMPAIGN STATEMENT**, due October 22, 2004 covers the committee's financial activity through October 17, 2004.

A Candidate Committee must file the Pre-General Campaign Statement if the candidate's name will appear on the November 2, 2004 general election ballot or if the candidate receives or spends funds in connection with a write-in campaign.

- **THE POST-GENERAL CAMPAIGN STATEMENT**, due December 2, 2004 covers the Candidate Committee's financial activity from October 18 through November 22, 2004.

A Candidate Committee must file the Post-General Campaign Statement if the candidate's name appeared on the November 2, 2004 general election ballot or if the candidate received or spent funds in connection with a write-in campaign.

Campaign Statement Coverage Dates

A Campaign Statement's opening date is the day after the closing date of the last Campaign Statement filed by the committee. If the committee has never filed Campaign Statements, the opening date of the first Campaign Statement filed is the earlier of the following two dates:

1) the committee's formation date or 2) the date the committee accepted its first contribution or made its first expenditure.

Late Contribution Reports

A Candidate Committee that participates in the November 2, 2004 general election is required to file a "Late Contribution Report" if the committee receives a contribution of \$200.00 or more from a single contributor from October 18, 2004 through October 30, 2004.

- A late contribution is any single contribution of \$200.00 or more received by the committee between the 15th and the 3rd day before the date of the election. The term "election" is used to mean a primary, general, special, recall, or millage election held in Michigan or a convention or caucus held by a political party in Michigan to nominate candidates. A committee will owe multiple Late Contribution Reports if the committee receives late contributions on multiple dates.
- This office must receive a Late Contribution Report within 48 hours after the committee's receipt of the contribution. A contribution is *received by a committee* on the date that the funds, written instrument or in-kind contribution of goods from the contributor have come into the *physical possession of the committee treasurer, designated record keeper or other person acting as an agent of the committee*. The receipt date is not the date the check or other written instrument was written or the date the contribution was deposited into the committee's bank account.
- For purposes of reporting a late contribution of an in-kind contribution of services, the in-kind contribution is considered to be received by the committee *on the date the committee treasurer, designated record keeper or other person acting as an agent of the committee receives verbal or written notice from the contributor that the contribution has in fact been made.*
- In addition to this report, a late contribution must be disclosed on the next Campaign Statement filed by the committee. **A Reporting Waiver does not exempt a committee from filing Late Contribution Reports; however, it is not necessary for a committee with a Reporting Waiver to show late contributions on a Campaign Statement.**
- A Late Contribution Report must contain the date and amount of the contribution along with the contributor's name, street address, occupation, employer and principal place of business. The report may be made in a telegram or by any other means of written communication, including fax and e-mail. The fax number for the Bureau of Elections is (517) 241-4785. The e-mail address for the submission of Late Contribution Reports is lcr@michigan.gov. A Late Contribution Report need not contain a signature and may be

filed on letterhead stationery or plain paper. The report is not submitted on Campaign Statement forms.

- A committee, treasurer or designated recordkeeper who fails to report a late contribution is responsible for the payment of a late filing fee. A committee will owe multiple Late Contribution Reports if the committee receives late contributions on multiple dates. **The maximum late filing fee that can be assessed for each Late Contribution Report is \$2,000.00.** The late filing fee will be assessed as follows:
 - (a) \$25.00 for each business day the Statement remains unfiled.
 - (b) An additional \$25.00 for each business day after the first 3 business days the Statement remains unfiled.
 - (c) An additional \$50.00 for each business day after the first 10 business days the Statement remains unfiled.

Campaign Statement Forms

Forms for filing the 2004 Pre and Post General Campaign Statements are available at our Web site at www.michigan.gov/sos. These forms may also be obtained by contacting Irene Del Rio at the Michigan Department of State's Bureau of Elections. Telephone: (517) 373-8612
Email: delrioi@michigan.gov

Timely, Accurate Campaign Statements Required!

If a Candidate Committee fails to file a Pre- or Post-General Campaign Statement, a late filing fee is assessed as follows:

- If the committee has raised **\$10,000.00 or less** during the previous 2 years, a \$25.00 late filing fee will be assessed each business day the Statement remains unfiled, up to a maximum of \$500.00.
- If the committee has raised **more than \$10,000.00** during the previous 2 years, the maximum late filing fee that can be assessed is increased to \$1,000.00. The fee is assessed as follows:
 - (a) \$25.00 for each business day the Statement remains unfiled.
 - (b) An additional \$25.00 for each business day after the first 3 business days the Statement remains unfiled.
 - (c) An additional \$50.00 for each business day after the first 10 business days the Statement remains unfiled.
- Campaign Statements that are hand-delivered, sent by first class mail, or submitted electronically via the Internet must reach this office before 5:00 p.m. on the due date. Be sure to allow ample mailing time if sending first class.
- A Pre-General Campaign Statement submitted on paper or diskette that is sent by registered mail, certified mail or an overnight delivery service and postmarked on or before October 20, 2004 (two or more calendar days prior to the due date) will be accepted as a timely filing regardless of when it arrives.

- A Post-General Campaign Statement submitted on paper or diskette that is sent by registered mail, certified mail or an overnight delivery service and postmarked on or before December 2, 2004 (the due date) will be accepted as a timely filing regardless of when it arrives.
- Be sure to fill out all forms as accurately as possible. Notices will be sent to the committee if forms are left off, figures are wrong, addresses are incorrect, etc. The committee is then required to file an amendment to correct the error.
- A Campaign Statement will not be accepted if it is illegible, does not bear the proper signature(s), is not the proper size, does not contain the Schedule(s) required to substantiate information listed on the Summary Page, or is presented in a computerized format that has not been pre-approved by the Bureau of Elections.
- Committees filing on paper must provide two (2) copies of each required Campaign Statements (one original and one photocopy).

Reporting Waiver Provisions

- A Candidate Committee is exempt from the Campaign Statement filing requirements if it currently has a Reporting Waiver or qualifies for and obtains a Reporting Waiver on or before the due date of a required Campaign Statement. A Candidate Committee that does not expect to receive or spend more than \$1,000.00 for any election is eligible for a Reporting Waiver.
- A Reporting Waiver cannot be obtained between the Pre-General Campaign Statement and the Post-General Campaign Statement. A Candidate Committee that is required to file a Pre-General Campaign Statement must also file a Post-General Campaign Statement.
- **To become eligible for a Reporting Waiver, the Candidate Committee must check item 10 on its Statement of Organization and submit the form no later than the filing deadline for the 2004 Pre General Campaign Statement.** This tells the filing official that the committee does not expect to receive or spend more than \$1,000.00 for any election. The committee can check item 10 on its original Statement of Organization or on an amendment to its Statement of Organization.
- A Candidate Committee that does not check item 10 on its Statement of Organization is not eligible for a Reporting Waiver. This means that the committee must file Campaign Statements regardless of the amount received or spent during the reporting period.
- A Candidate Committee loses its Reporting Waiver if it receives or spends more than \$1,000.00 for an election. Funds held by the committee after the date of an election count toward the "amount received" for the next election. If the Reporting Waiver is lost, the committee must file the next Campaign Statement required of the committee.

Statement of Organization Amendments Due With Campaign Statements

A committee registered under Michigan's Campaign Finance Act is required to amend its Statement of Organization if any information presented on the form changes. Required amendments to the form must be filed no later than the due date of the next upcoming Campaign Statement required of the committee.

When the district number of the office that you are seeking is different from the number currently shown on your Statement of Organization previously filed with the Bureau of Elections, please be reminded that you must file an amended Statement of Organization form to change the district number indicated in Item #4e.

Dissolution Information

To be eligible for dissolution, a Candidate Committee must have no assets or outstanding debts. An unpaid late filing fee is considered to be a committee debt. Committees of unsuccessful candidates are encouraged to dissolve on the Post-General Campaign Statement if possible to avoid further filing requirements and potential late filing fees. An officeholder cannot dissolve his or her Candidate Committee until his or her term of office expires. Exceptions to this provision exist for officeholders who are not eligible to seek reelection. For further information on the exceptions, contact the Department of State's Bureau of Elections.

Funds leftover in a Candidate Committee account must be disbursed in the following ways:

- given to a Political Party Committee (state central, congressional district or county);
- given to a tax exempt charitable organization (as long as the candidate does not become an officer or director of the organization or receive compensation, either directly or indirectly, from the organization);*
- returned to the contributors of the funds;
- given to a House Political Party Caucus Committee (if the Candidate Committee was established by a candidate for the State House);
- given to a Senate Political Party Caucus Committee (if the Candidate Committee was established by a candidate for the State Senate);
- given to an Independent Committee;
- given to a Ballot Question Committee; or
- transferred to another Candidate Committee simultaneously held by the same person if the contribution limits that apply to the Candidate Committee receiving the funds are the same or greater than the contribution limits that apply to the Candidate Committee transferring the funds. (Further information on such fund transfers can be obtained by contacting the Department of State's Bureau of Elections.)

*When a dissolving committee contributes all or part of their remaining funds to a tax-exempt charitable organization, the committee must submit confirmation (letter, receipt, etc.) from the charitable organization acknowledging that the contribution was received.

Judicial candidates are advised to contact the Michigan State Bar Association at 517-346-6300 for additional information on dispersing leftover committee funds.

If the committee has a Reporting Waiver, it is dissolved by filing a single-page Dissolution Campaign Statement form. If the committee does not have a Reporting Waiver, it is dissolved by filing a final Campaign Statement with supporting Schedules.

Candidate Committees Using MERTS Plus Software

The following reminders are offered for Candidate Committees using MERTS Plus software to electronically submit their Campaign Statements. (For step by step instructions, please refer to Section 6 of the MERTS Plus Guide for Candidate Committees.)

- ***Election Cycles – Make sure the current election cycle is entered into the Election Cycles Window. (See Section 1 of the MERTS Plus Guide for Candidate Committees.) For specific dates, refer to the attached Election Cycle Chart.***
- **Reporting Periods** - A separate report record (Do not create more than 1 file for a committee.) with correct coverage period dates must be created in the Reports Window for each Campaign Statement that will be electronically submitted by the committee. A candidate whose name appears on the November 2, 2004 general election ballot must create records for the 2004 Pre and Post-General Campaign Statements. (See Section 1 of the MERTS Plus Guide for Candidate Committees.)
- **Amendments to Campaign Statements** – An amended Campaign Statement cannot be submitted until an original Campaign Statement has been electronically filed. If you create more than one amendment to a report, each amendment must be electronically submitted in the order it was created before any further amendments can be filed.

Questions concerning the use of the software should be directed to MERTS Plus Tech Support at (703) 749-4642 or sent by e-mail to techsupport@nicusa.com.

Questions?

If you have any questions, please phone us at (517) 373-2540 or write us at the address indicated below. The address below should also be used to mail your filing by first class mail, registered mail or certified mail.

Michigan Department of State
Bureau of Elections
Post Office Box 20126
Lansing, Michigan 48901-0726

If you would like to visit our office or use an overnight delivery service, the address below is provided.

Michigan Department of State
Bureau of Elections
1st Floor – Treasury Building
430 West Allegan Avenue
Lansing, Michigan 48918